

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

CARL McLEOD, # 355-418

\* Civil Action No. JKB-12-186

Petitioner

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v

\*

CLERK OF THE COURT

\*

Respondent

\*

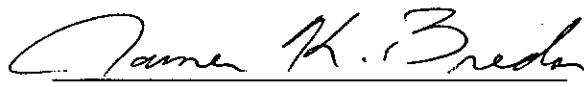
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MEMORANDUM

The court has received correspondence from Carl McLeod, who wants this court to order the Clerk for the Circuit Court for Cecil County to provide him with certain documents pursuant to the Maryland Public Information Act. The letter, construed as a petition for writ of mandamus, will be dismissed for lack of jurisdiction.

Under 28 U.S.C. § 1361, the federal district courts have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or one of its agencies to perform a duty owed to a petitioner. The federal district courts, however, have no mandamus jurisdiction over state employees, such as respondents in this case. *See Gurley v. Superior Court of Mecklenburg County*, 411 F.2d 586, 587 (4th Cir. 1969). There is no basis for the court to exercise jurisdiction over this case because neither constitutional provision nor federal law is implicated here. Federal courts are courts of limited jurisdiction, "constrained to exercise only the authority conferred by Article III of the Constitution and affirmatively granted by federal statute." *See In re Bulldog Trucking, Inc.*, 147 F.3d 347, 352 (4<sup>th</sup> Cir. 1998). Accordingly, the petition must be dismissed for lack of jurisdiction. A separate order follows.

1/26/12  
Date

  
James K. Breder  
United States District Judge